

Appl. No. 10/782,989
Amdt. Dated October 17, 2005
Reply to Office Action of June 15, 2005

Docket No. IS01349TC
Customer No. 22917

REMARKS

Claim 10, 23, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicant has amended these claims to overcome the 35 U.S.C. 112, second paragraph, rejection by the Examiner.

Claims 1-6, 8-19, 21-34, 36-40, 43-51, 53-67 are rejected under 35 U.S.C. 102(b) as being anticipated by McCarthy, et al. (US 2001/0039475). Claim 7, 20, 41, 42, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy, et al in view of Tonar, et al. (US 2004/0160657). Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy, et al. in view of Winters (US 2003/0162572).

In support, the Examiner suggests that McCarthy discloses electronically generating a turn notification signal upon electronically determining that the vehicle is approaching a turn along the route; and automatically illuminating at least one turn signal indicator associated with the vehicle in response to the turn notification signal,...(see abstract, sec. 001, 0012, 0016, 0019). Based upon this comparison, the Examiner insists McCarthy anticipates the present invention. The Applicant, however, strongly disagrees.

In short, the novelty provision of 35 U.S.C 102(b) denies patentability when "the invention" was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States. It is well established, however, to "anticipate," pursuant to 102 (b), a single prior art reference must disclose each limitation of a claimed invention or its equivalents functioning in essentially the same way as arranged in the claim.

Each claim in the present application recites, or depends from claims which recite:

...automatically illuminating at least one turn signal indicator associated with the vehicle in response to the turn notification signal,...

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While McCarthy relates to information systems used in conjunction with the operation of vehicles, a careful reading of this reference fails to disclose *automatically illuminating at least one turn signal indicator associated with the vehicle in response to the turn notification signal*. Rather, McCarthy discloses a visual display device, such as a heads up display, which allows information to be visually presented to the operator of the vehicle without substantially impeding the ability of the operator to operate the vehicle (sec 0019). The heads up display is generally configured to visually present information by displaying the information on or near the windscreen or windshield of the vehicle so that the displayed information can be easily perceived by the operator in conjunction with the operation of the vehicle (sec. 0019). As such, McCarthy merely discloses the operator of the vehicle receiving information displayed on or near the windscreen/windshield, and does not teach or suggest *automatically illuminating at least one turn signal indicator associated with the vehicle in response to the turn notification signal*.

Based upon this lack of teaching, the Applicant insists that McCarthy fails to describe the invention of the present application. Since McCarthy fails to disclose an essential limitations of the claimed invention; namely, *automatically illuminating at least one turn signal indicator associated with the vehicle in response to the turn notification signal*, there is no anticipation under 35 U.S.C. 102, because the exclusion of a claimed element from the prior art reference is enough to negate anticipation by that reference. For these reasons, the Applicant asserts that the claims in the present application are not anticipated by McCarthy and may therefore be passed to allowance.

Since claims 1, 14, 28, 43, and 53 are believed to be allowable, all claims that depend therefrom contain the limitations of these allowable claims and merely recite additional limitations that should not preclude patentability.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicant believes that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicant.

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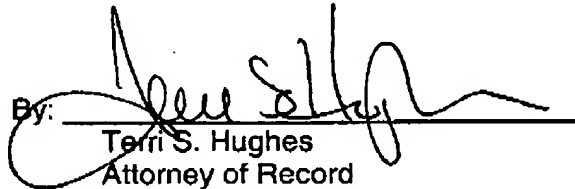
In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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Attachments